

Jurius

Federal Council Adopts Message on Partial Revision of the Telecommunications Act

In its session on 6 September 2017, the Federal Council adopted the message concerning the partial revision of the Telecommunications Act. The draft legislation will now be dealt with by parliament. In recent years telecommunications has experienced extremely rapid development: new broadband networks are carrying more and more data at faster and faster speeds. Internet services such as videotelephony, messengers and chats are increasingly replacing traditional telecommunications services. The revised legislation should reflect this change.

Category: News

Region: Switzerland

Field of law: Telecommunications law

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[Rz 1] The current Telecommunications Act (TCA) dates from 1997; an initial partial revision entered into force in 2007. The spread of the internet has completely transformed the telecommunications landscape. When it adopted its 2014 telecommunications report, the Federal Council gave the green light for a revision of the telecommunications legislation. The draft legislation drawn up by DETEC has met with an altogether positive response in the public consultation process. The revision is intended to adapt the law to the new circumstances: giving greater weight to consumer concerns, promoting competition as well as deregulation and administrative simplifications are key elements of the draft legislation.

[Rz 2] Some of the proposed new legal provisions strengthen the position of consumers. These include measures to combat unwanted telemarketing (advertising calls) more effectively, but also an entitlement to advice about technical measures to protect children and young people in the case of conclusion of internet contracts. Transparency regulations will oblige internet providers to provide public information if, in the case of data transmission, they make distinctions between different types of content. They must also provide information about the actual measured quality of their services, such as internet access speed. In relation to international roaming, the draft legislation enables the Federal Council to combat disproportionately high end-user prices.

[Rz 3] In future, access to the subscriber connection is to be configured by the Federal Council in a technology-neutral manner, in case of a failure of the market. In this case, market-dominant providers would have to guarantee access not only to the traditional copper access cables, but also to cabled connections which are based on new technologies (e.g. fibre). At the same time, network operators would acquire an entitlement to opening-up of the building access point and to shared use of telecommunications installations inside the building. In principle this gives end customers the possibility of accessing the services of all providers.

[Rz 4] Frequency utilisation is to be made more flexible: a licence to use the radio spectrum will be required only in exceptional cases, according to the draft legislation. In addition, spectrum trading and the shared use of infrastructures for mobile communication will be encouraged. The general obligation to register for telecommunications service providers will also be abolished. In future, registration will be required only for those using specific public resources: radio frequencies subject to licensing or addressing resources such as blocks of telephone numbers.

[Rz 5] The draft legislation provides for statutory provisions for domain names which fall within the competency of the Confederation. In particular, these are domain names with the endings .ch and .swiss. Also, a legal basis will be established for blocking internet sites with forbidden pornography and telecommunications service providers will be obliged to take measures to provide protection from cyber-attacks.

Source: Press Release of the OFCOM No. 68018 of 7 September 2017

Further information:

- [Botschaft zur Revision des Fernmeldegesetzes 2017 \(in German\)](#)
- [SIMON SCHLAURI, Botschaft zur Revision des Fernmeldegesetzes: Neuerungen für Anbieterinnen von Fernmeldediensten, in: Jusletter IT 21 September 2017](#)